IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

RP.No. 582 of 2007

AGAINST THE INTERIM ORDER IN WPC.11167/2006 Dated 06/11/2006
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REVIEW PETITIONERS/RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, EDUCATION DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.
2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, DIRECTORATE OF HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM-1.
3. THE DIRECTOR OF PUBLIC INSTRUCTION,
-DO- -DO-

BY GOVERNMENT PLEADER SRI T.B. HOOD

RESPONDENTS: PETITIONER

SECRETARY,
CANNANORE DISTRICT MUSLIM EDUCATIONAL ASSOCIATION, KANNUR, KARIMBAM - 670142.

BY ADV. SRI T.P. KELU NAMBIAR (SR ADVOCATE) &
ADV. SRI.A.A.ABDUL HASSAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON 09/08/2007 PASSED THE FOLLOWING:

K.S. RADHAKRISHNAN & K. PADMANABHAN NAIR, JJ.

R.P. No 582 of 2007 in W.P.C. No 11167 of 2006

Dated: 9th August 2007

O R D E R

Radhakrishnan, J.

This review petition has been preferred by the State of Kerala aggrieved by the order dated 06.11.2006 holding that the writ petitioner is entitled to get higher secondary courses in their high school since pre-degree course was abolished from their college. Above direction was given by this court since it was noticed that Sir Syed College, Taliparamba was conducting pre-degree courses in their college, but pre-degree course was abolished by the Pre-degree Courses Abolition Act, 1997. Policy of the Government was that when Pre-degree course is being abolished, the Government used to sanction Higher Secondary Courses to the then existing high schools both in government as well as in the aided sector so as to mitigate the hardship caused to the students and the space already available could be better utilised. College Managements who were already having high schools in the same locality were alone granted the higher secondary schools subject to few exceptions. Petitioner was not having the high school when the Pre-degree course was abolished.

2. Petitioner was granted high school as per order G.O.(Rt) No 3160/2004/G.Edn dated 24.07.2004. That order is under challenge in various writ petitions before this court, viz; W.P.C. Nos. 24601/04, 24614/04, 24933/04 and 24943/04. Sanctioning of the higher secondary school to the petitioner is also under challenge in W.P.C. No 14793 of 2005. Those facts were not brought to the notice of this court when this court passed the interim order on 30.05.2005. Under such circumstances, we are inclined to allow this review petition and set aside the interim order passed on 06.11.2006 in W.P.C. 11167 of 2006. W.P.C. No 11167 of 2006 would be heard and disposed of untrammelled by the observation contained in this order.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-

K. PADMANABHAN NAIR
Judge

09/08/2007
en/

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